

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GREEN & HEALTHY HOMES
INITIATIVE, Inc., *et al.*,

PLAINTIFFS,

v.

ENVIRONMENTAL PROTECTION,
AGENCY, *et al.*,

DEFENDANTS.

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No. 1:25-cv-01096-ABA

NOTICE OF SUPPLEMENTAL AUTHORITY

On June 3, 2025, the United States District Court for the District of Columbia issued a decision denying a preliminary injunction in an Administrative Procedure Act (APA) case because the APA cannot reach a “larger programmatic challenge” alleging the “dismantling” of a program. *Mem. Op., Assoc. for Educ. Fin. v. Dept. of Educ.*, No. 25-cv-999-TNM (D. D.C. Jun. 3, 2025), Doc. 25, at 21 (attached as ECF 51-1). *See also id.* at 8 (“Plaintiffs pile aboard so many broad complaints that their claims sink underneath the sheer weight of the relief they seek.”). The court’s opinion analyzes why a wholesale challenge to agency decisions stemming from administrative priority changes is not cognizable under the APA. ECF 51-1 at 8–21, 24–26.

The court further determined that the Tucker Act “looms large here” and that “the Court would likely lack jurisdiction to hear any individual contract challenge . . . if it resembled a traditional contract claim.” *Id.* at 23–24 (“Allowing potentially prohibited individual claims to move forward simply because the Academy has bundled them together risks vitiating the jurisdictional limitations Congress imposed in the Tucker Act.”). The court also rejected a separation of powers claim as a “doppelgänger[] of the Academy’s APA claim.” *Id.* at 25.

